

REMARKS

Claims 1-20 are currently pending in the application. By this amendment, claims 1, 2, 6, 12, 13, 15, 17, 19 and 20 are amended for the Examiner's consideration. The above amendments do not add new matter to the application and are fully supported by the specification. For example, support for the amendments is provided in Fig. 1 and page 6 of the specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Present Amendment is proper for entry

Applicant respectfully submits that the instant amendment is proper for entry after final rejection. Applicant submits that no question of new matter is presented nor are any new issues raised in entering the instant amendment of the claims and that no new search or further consideration would be required. Also, no net additional claims have been added. Moreover, Applicant submits that the instant amendment places the application in condition for allowance. Accordingly, Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Allowed Claims

Applicant appreciates the indication that claim 13 is allowed and that claims 12, 17, 19 and 20 contain allowable subject matter and would be allowed if amended to overcome the Section 112, second paragraph, rejection and/or presented in

independent form. Claims 17, 19 and 20 are presented in independent form to include all the features of the base claim 15. This should now place claims 12, 17, 19 and 20 in condition for allowance. However, Applicant submits that all of the pending claims are in condition for allowance for the following reasons.

Objection to the Drawings

The drawings were objected to based on an informality. Claim 15 has been amended to recite that the recess is arranged on a circumference of the fork pin. This feature is shown in the drawings and hence the objection to the drawings should be withdrawn.

Objection to Claims

Claim 15 has been objected to for reciting "rotatable" instead of "rotatably". By this Amendment, claim 15 has been amended consistent with the Examiner's comments. Accordingly, Applicant respectfully requests that the instant objection be withdrawn.

35 U.S.C. §112 Rejection

Claims 12 and 15-20 were rejected under 35 U.S.C. §112, 2nd paragraph. This rejection is believed to be moot.

By this Amendment, claims 12, 15 and 20 have been amended consistent with the Examiner's comments.

In claim 12, the term "the lever" has been changed to "the linearly displaceable lever". In claim 15, Applicant has amended the language asserted to be indefinite. In

claim 20, Applicant has replaced the term “the connecting linkage” with “a connecting linkage” so to render the basis for rejecting claim 20 moot.

Accordingly, Applicant respectfully requests that the rejection of claims 12 and 15-20 be withdrawn.

35 U.S.C. §102 Rejection

Claims 1-9, 15, 16 and 18 were rejected under 35 U.S.C. §102(e) for being anticipated by U. S. Patent No. 6,302,421 to LEE. This rejection is respectfully traversed.

The Examiner is of the opinion that LEE shows all of the features of the above-noted claims. Applicant respectfully disagrees. The invention relates to an electric wheelchair which has two driven front wheels and at least one castor which is mounted in a rotatable manner in a fork which can be pivoted about a vertical axis. The fork is connected to a steering linkage, but the connection with the steering linkage can also be released. This feature is provided by a bolt, which is generic to all of the embodiments. The bolt can be loaded by a spring – another feature that is generic to all embodiments. This combination of features are not disclosed in LEE.

Applicant acknowledges that LEE discloses an operator driven vehicle which can also be pushed by another person other than the driver (see Fig. 1A). Applicant also acknowledges that the disclosed vehicle can be driven by “motorized power” (see col. 8, lines 31-33). However, it is clear from the figures that the disclosed vehicle uses driven rear wheels and castor wheels on the front of the vehicle (see Fig. 1A). The invention,

in contrast, uses driven front wheels and one or more castors (claims 1 and 15) arranged on a rear of the wheelchair.

Thus, Applicant submits that claims 1 and 15, as well as claims 2-9, 16 and 18 which depend from claims 1 and 15, are not disclosed, or even suggested, by LEE.

Accordingly, Applicant respectfully requests that the rejection of the above-noted claims be withdrawn.

35 U.S.C. §103 Rejections

Over Lee with Korvacs

Claims 10, 11 and 14 were rejected under 35 U.S.C. §103(a) for being unpatentable over LEE in view of U. S. Patent No. 5,170,529 KOVACS. This rejection is respectfully traversed.

While acknowledging that LEE fails to disclose the recited pivot-lever, the Examiner nevertheless asserts that KOVACS teaches this feature and that it would have been obvious to combine the teachings of these documents. Applicant respectfully disagree.

As explained above, LEE discloses an operator driven vehicle which can also be pushed by another person other than the driver (see Fig. 1A) and that can be driven by "motorized power" (see col. 8, lines 31-33). However, it is clear from the figures that the disclosed vehicle uses driven rear wheels and castor wheels on the front of the vehicle (see Fig. 1A). The invention, in contrast, uses driven front wheels and one or more castors (claim 1) arranged on a rear of the wheelchair.

Moreover, KOVACS does not cure the deficiencies of LEE and is merely directed to a foot operable cart with a wheel lock. In addition to failing to disclose or suggest a wheelchair, KOVACS fails to disclose any driven wheels, much less, driven front wheels.

Thus, Applicant submits that claim 1, as well as claims 10, 11 and 14 which depend from claim 1, are not disclosed, or even suggested, by the combination of LEE and KOVACS.

Accordingly, Applicant respectfully requests that the rejection of the above-noted claims be withdrawn.

Over Lee with Chiu

Claims 15, 16 and 18 were rejected under 35 U.S.C. §103(a) for being unpatentable over LEE in view of U. S. Patent No. 6,402,166 CHIU. This rejection is respectfully traversed.

While acknowledging that LEE fails to disclose the recited recess, the Examiner nevertheless asserts that CHIU teaches this feature and that it would have been obvious to combine the teachings of these documents. Applicant respectfully disagree.

As explained above, LEE discloses an operator driven vehicle which can also be pushed by another person other than the driver (see Fig. 1A) and that can be driven by “motorized power” (see col. 8, lines 31-33). However, it is clear from the figures that the disclosed vehicle uses driven rear wheels and castor wheels on the front of the vehicle (see Fig. 1A). The invention, in contrast, uses driven front wheels and one or more castors (claim 1) arranged on a rear of the wheelchair.

Furthermore, CHIU does not cure the deficiencies of LEE and is merely directed to stroller with a front wheel that is lockable in the straight position. In addition to failing to disclose or suggest a wheelchair, CHIU fails to disclose any driven wheels, much less, driven front wheels.

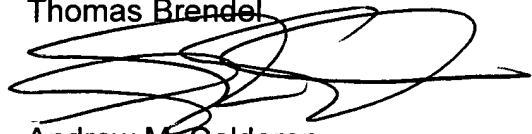
Thus, Applicant submits that claim 15, as well as claims 16 and 18 which depend from claim 15, are not disclosed, or even suggested, by the combination of LEE and CHIU.

Accordingly, Applicant respectfully requests that the rejection of the above-noted claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 19-0089.

Respectfully submitted,
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